

**PROPOSITION 301**  
**SENATE CONCURRENT RESOLUTION 1033**  
**methamphetamine; probation ineligibility**

**ANALYSIS BY LEGISLATIVE COUNCIL**

In 1996, the voters passed the Drug Medicalization, Prevention and Control Act of 1996. This law states that in most cases, a person who is convicted for the first or second time of personal possession or use of a controlled substance, including methamphetamine, is eligible for probation and cannot be sentenced to a term in jail or prison. Only when a person has been convicted three times of personal possession or use of a controlled substance, including methamphetamine, can that person be sentenced to jail or prison. However, that person may be eligible for probation pursuant to the general probation laws for convicted persons.

Proposition 301 would amend the current law so that a person who is convicted for the first or second time of personal possession or use of methamphetamine can be sentenced to a term in jail or prison.

This change in the law will allow judges to use a jail term as a condition of probation to force methamphetamine users to comply with court mandated drug treatment and rehabilitation.